

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT
~~EASTERN~~ DISTRICT OF WISCONSIN
Western

(Full name of plaintiff(s))

Devon Tyrone Evans

v.

(Full name of defendant(s))

Eric Hansen, Donovan J Carlson,
Barry Babler, Menomonee Falls
Police Department, Aaron Hoppe
Leslie Boese

Case Number:

20-cv-860-bbc

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Waupun Correctional Institution P.O. Box 351 Waupun WI 53963
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Eric Hansen
(Name)

is (if a person or private corporation) a citizen of Wisconsin

In the United States District Court
For the ~~Western~~ District of Wisconsin
WESTERN

Devon Tyrone Evans PP
Plaintiff

vs.

Case No.

Eric Hansen, Donovan Carlson,
Barry Babler, Menomonee Falls
Police Department, Aaron Hoppe,
Lesli S. Boese

Civil Complaint Pursuant To 42 U.S.C. 1983

I. Parties

1. Plaintiff, Devon Tyrone Evans is a United States citizen and adult resident of the state of Wisconsin, and at all times relevant to this action confined as a prisoner at Waupun Correctional Institution located at : Po Box 351, Waupun WI, 53963

2. Defendant Eric Hansen, is a United States citizen and a adult resident of the state of Wisconsin, and at all times relevant to this action is employed by the state of Wisconsin as a police officer at the Village of Menomonee Falls Police Department located at WIS6 N8480 Pilgrim Rd. Menomonee Falls WI 53051-3140

3. Defendant Donovan J Carlson, is a United States citizen and a adult resident of the state of Wisconsin and at all times relevant to this action is employed by the State of Wisconsin as a police officer at the Village of Menomonee Falls Police Department located at W156 N8480 Pilgrim Rd. Menomonee Falls WI 53051-3140

4. Defendant Barry Babler, is a United States citizen and a adult resident of the state of Wisconsin and at all times relevant to this action is employed by the State of Wisconsin as a Detective at the Village of Menomonee Falls Police Department located at W156 N8480 Pilgrim Rd. Menomonee Falls WI, 53051-3140

5. Defendant Aaron Hoppe, is a United States citizen and a adult resident of the state of Wisconsin and at all times is relevant to this action is employed by the State of Wisconsin at the Waukesha Sheriff's Department as a Detective located at 515 W Moreland Blvd, Waukesha WI, 53187

6. Defendant Leslie S. Boese is a United States citizen and a adult resident of the state of Wisconsin, and at all times relevant to this action is employed by the state of Wisconsin as a District Attorney at Waukesha County District Attorneys office located at 515 W Moreland Blvd Waukesha WI, 53187.

7. Defendant Menomonee Falls Police Department is a corporation in the state of Wisconsin and at all times is relevant to this ~~case~~ action is employed and funded by the state of Wisconsin to serve and protect the community is located at W156 ~ 8480 Pilgrim Rd Menomonee Falls ~~WI~~ WI, 53051-3140

II. STATEMENT OF FACTS B

8. DELIBERATE INDIFFERENCE:

THE OFFICER(S) KNEW ABOUT MY SERIOUS MEDICAL NEED AND FAILED TO RESPOND REASONABLY TO ST. vs. ESTELLE, 429 U.S. AT 104; GUTSHERZ V. POTERS, 111 F.3d 1364, 1369 (7TH CIR. 1997).

FAHMY V. BRENNAN, 511 U.S. 825, 842 (1995).

THESE SAME DEFENDANTS/OFFICER(S) OR NON-MEDICAL OFFICIALS INTENTIONALLY DENY OR DELAY MY ACCESS TO TREATMENT. BROWN V. DISTRICT OF COLUMBIA, 514 F.3d 1279 (D.C. Cir. 2008).

II. Statement of facts B

8. On November 6th of 2018, I the plaintiff Devon Tyrone Evans was involved in a Gas station drive off which led I the plaintiff to Elude a traffic stop and run into the community which ended to the Plaintiff getting shot from behind.

9. As I exited my car I did so with my hands up Signaling to police officers that I was un-armed as I ran into the community. ~~on~~

10. Once I exited a home where a witness stated 1 minute and 16 seconds before I was shot stated I didnt have a weapon of any kind and was positive because I held them up. Officer Donovan J Carlson was right behind me pursuing me. I never once had a opportunity to gather a weapon of any kind. And on numerous of times I had established grounds that I was unarmed.

11. At one Point my size 10 Black and white Nike shoe Came off so I picked it up and continued to run. Not wanting to lose my shoe nor slow down my pace of running.

12. Next I noticed a officer who was later identified as Officer Eric Hansen standing in the street with his gun drawn pointed at me.

13. Not wanting to be shot by the police as I was running scared under the influence of Alcohol and Marijuana I put both of my hands up one with my shoe in it making it clear and visible

14. Then I the plaintiff ~~Devon~~ Tyrone Evans screamed Dont shoot Dont you fucking shoot me and Eric Hansen Did not as I ranned past him.

15. Now I have Eric Hansen and Donovan J Carlson running behind me as I put more distance between myself the Plaintiff and Eric Hansen and Donovan J Carlson I placed me shoe back on

16. As I the Plaintiff continued to run I noticed a detective car cuts my path off in front of me and out comes Detective Barry Babler with his gun drawn.

17. Unaware if Barry Babler seen me or not I then ran to a building near a shed in Bar B que girl and attempted to hide as I caught my breath

18. At this point I realise that Barry Babler in fact had seen me because he started to give me the plaintiff commands to come out with my hands up while giving Eric Hansen and Donovan J Carlson hand signs to my location.

19. I the plaintiff Devon Tyrone Evans came out with my hands up to surrender. When the next thing I knew shots were being fired. I the plaintiff was then struck by multiple gunshots sending me to the ground.

20. I the plaintiff Devon Tyrone Evans felt burning sensations all over. While on the ground I heard commands to come out with my hands up

17. After attempting to do this only moments ago I the plaintiff Devon Tyrone Evans came to the conclusion that it wouldnt be wise to do so. and knew if I did I surely will be killed.

21. So instead I yelled that I couldn't because I was shot. which at this point I was instructed to crawl out with my hands out and I did so were I was handcuffed and taken into custody.

22. It was later identified that Eric Hansen was the only officer to open fire striking me multiple times by gun fire from behind.

23. While I the Plaintiff was at a point of surrendering and unarmed never possessing a weapon of any kind I don't know why I was shot.

24. The Menomonee Falls police Department failed to equip their officer with body cam. Which I the plaintiff thought was a requirement to have on whenever in pursuit of a suspect.

25. Mean while Leslie S. Boese and Aaron Hoppe continued to conspire with all of the above described defendants in violation of my rights to the fourth and fourteenth Amendments to the United States constitution to be free of excess and unreasonable force.

26. In addition to employing excessive and unreasonable force against ~~I~~ the plaintiff Devon Tyrone Evans all of the above identified defendants were aware of the violation to my rights and despite having opportunity did not stop nor prevent the continue violation of my constitutional Rights.

27. (Lack of report and report discrepancy etc.) leads me to believe that all defendants covered up the illegality of the assault done to me. By tampering and producing false evidence.

III. Cause of Action

28. Plaintiff has begun another lawsuit in federal court, none in the state court and none relating to the facts involved in this case.

29. Plaintiff affirms and incorporates by paragraph

30. Defendants ill treatment to plaintiff Devon Tyrone Evans rights and constitute cruel unusual punishment under the eight Amendment of the United States

31 Constitution as well as the fourth and fourteenth Amendments to the United States Constitution
To be free of excessive and unreasonable force
and caused the Plaintiff Devon Tyronne Evans, Pain
suffering, mental anguish and emotional as well as
disfiguring scarring.

V. Requested Relief

Wherefore, plaintiff respectfully prays that this
court enter judgement

32. All trial by jury on all things triable.

29. Compensatory damages in a amount of \$2,500,000.00
(Two Million - and Five hundred - Thousand Dollars and zero cent)
against each defendant jointly and severally

33. Punitive damages in the amount of \$200,000.00
(Two-hundred thousand Dollars) against each defendant.

34. Any additional relief this court deems just, proper,
and equitable

In The United States District
Court for the ~~Eastern~~ District of Wisconsin
Western

35. Plaintiff to pay all costs and fees.

36. A public Apology

37. Each defendant to be removed from their
positions or 6 month suspension without pay.

38. Each Defendant is being sued in his/her
personal capacity

Signed and dated this 16 day of
September, 2020

Verification.

I have read the foregoing and hereby verify the the
matters alleged therein are true, except to matters
alleged on information and belief and as to those, I believe
them to be true. I certify under penalty of perjury
that the foregoing is true and correct.

Executed at Waupun Correctional Institution
on 9 / 16 / 2020

Respectfully Submitted
Devin Tyronne Evans

Id # 545237

Waupun Correctional Inst

P.O. Box 351

Waupun WI 53983

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this _____ day of _____ 20____.

Respectfully Submitted,



Signature of Plaintiff

545237

Plaintiff's Prisoner ID Number

Waypun Correctional Institution PO Box

351 Waypun WA 98963

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.